

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**December 9, 2013**

**7:00 p.m.**

Present: Tom Murphy  
Kathy Pucci  
Tony DeMarco  
Colleen Gallagher  
Katie Gallagher  
Kevin Tanski

Absent: Ron Van Kirk (excused – work)

Pledge of Allegiance.

#### **APPROVAL OF MINUTES:**

**MOTION** by Murphy, second by C.Gallagher to approve the minutes from the meeting of November 12, 2013. **VOTE RESULTED:** Approve: Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher. Abstain: Tanski. No: None. (***APPROVED***)

President Pucci wanted to announce there is an anticipated vacancy effective December 31<sup>st</sup> in an unexpired term of Council-at-Large ending December 31, 2015. A notice has been posted and advertised in the newspaper and on-line. Any interested resident, who has been a resident of the City of Brooklyn for at least three years, is encouraged to submit a letter of interest and a resume. The deadline to apply is 4 p.m. Monday, December 23<sup>rd</sup>. After that, each applicant will be contacted with the date and time of the interviews, along with a fact sheet about the position of Council-at-Large.

#### **Swearing-in of new Police Officers:**

Mayor Balbier called upon three new police officers: Jared Kotchmit, Steven Reitz, and Michael Pische. They individually were sworn in and administered the Oaths of Office.

#### **PUBLIC SESSION:**

*Lou Changeri* of 8972 Trail Run Dr. said at the last meeting he made comments about the new fire truck. He's not here for that, because last week he thought he had a stroke and had to call on the Fire Dept., was transported to Metro, and found out he had an extreme migraine. He thanks the Fire Dept., and the two paramedics. Cautioned people to not ignore pain. Also thanked the Dept. for the visit he and his grandson had at the station.

*Michael Prochko* of 8804 Ansonia commented on the billboard on Ridge Rd. near the railroad bridge and HH Gregg. He said it's the first thing people see driving in to the city from Brookpark Road. He e-mailed the Mayor and some Councilmembers, and had some responses. He learned the billboard is in the City of Cleveland. President Pucci e-mailed that she contacted the Cleveland Councilman for that Ward to address the situation. He wanted people to know that if they have an issue with the city, instead of bad-mouthing the Council or things, take the time to go through proper channels (Council, Mayor, departments), someone will respond and it will be looked into. He has done it several times and gotten responses (from Councilwoman C.Gallagher). He has had similar responses from Mrs. McGinty at the Rec Dept. He asked her to give an update on the hot tub, as it is currently out of order. Thanked everyone and wished a great holiday season.

#### **REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Finance Committee (Councilwoman Pucci): The Committee met at 6 p.m. The Council will go into executive session to get questions answered on Ord. 2013-70 (labor agreement with AFSCME) and 2013-71 (labor agreement with Laborers), just prior to voting on them, then come back to the rest of the Agenda. The Committee recommended that Council approve Ords. 2013-69 and 72.

Recreation Board (Councilman Tanski): The next Board meeting is scheduled for January 21<sup>st</sup> (Jan. 20<sup>th</sup> is a holiday).

Legislative Update (Councilwoman K. Gallagher): Said this year's Ohio's Budget brought many significant changes (12.5% rollback eliminated, Homestead exemption qualifications.) There are pending legislation regarding voting procedures, a couple already approved by the Senate (SB 200, sharing of information, on-line voter registration and updating; SB 205, for absentee requests). Others pending are: HB 240 (regard to special elections), HB 250 (reducing number of early voting days).

Planning Commission (Councilwoman K. Gallagher): The Commission meet Thursday, Dec. 5<sup>th</sup> and approved a request from Mike Osterfeld to install a wall-mounted sign at 4804 Ridge for identification of Penn Station East Coast Subs; approved a request for site plan and design approval to construct a new addition to existing location at 4476 Ridge Rd. for Loving Cups Kids Academy; approved a request from Brooklyn Compass LLC for final site approval to construct a 2700 square foot building for Title Buck\$ located at 10800 Brookpark Rd.; approved a request from Brilliant Electric Sign to install additional sign panels for future tenants on both free-standing signs located at Ridge Park Square.

### **REPORTS OF COUNCIL:**

**Tom Murphy:** Wished everyone a happy holiday season. Congratulated the three new officers.

**Tony DeMarco:** Congratulated the three new officers. Does not know if he will be able to attend the last Council meeting (12/23/13), so wished everyone a Merry Christmas and happy holiday season.

**Colleen Gallagher:** Congratulated the new officers. Asked Chief Mielke how many officers that give us. Chief Mielke said 30. She asked if we need three additional officers; Chief Mielke said he will be asking Council in 2014 for three additional, and one dispatcher. She said safety is very important to her, so hopes the Mayor and Council can budget for new officers.

**Katie Gallagher:** Hope everyone had a nice Thanksgiving. Last week she met with Superintendent Cynthia Walker, where they both agreed the school and city need to work on their relationship, and find a way to close the communication gap between the Council and the School Board. With the great groups of residents trying to do what's best for the city, imagine the great things the two can do together with a unified vision. She suggested bringing back the Council representative liaison to bridge the gap, especially with the upcoming construction, proposed shared facility spaces, and the renewal levy. Mrs. Walker agreed and committed to ensuring a successful dialogue with Council and the Mayor. Had a great time at the Holiday Gathering, which was packed with families, with children and grandchildren singing, crafting, and getting pictures with Santa. She thanked the Mayor, employees and volunteers who made it a success. Great job to the children and adults who performed. It was her daughter Quinn's first picture with Santa, and her and her husband get to enjoy the screaming baby picture forever. Congratulated the three new officers.

**Kevin Tanski:** Hope everyone had a happy Thanksgiving. Congratulated the three new officers. Asked President Pucci if we had anything on the billboard from Cleveland, as she had previously contacted someone. She said she will update during her report.

**Kathy Pucci:** As Mr. Prochko said, he contacted Council regarding the billboard, and it is a First Amendment issue. Most of the time when there have been complaints about it, the city has not been able to do anything about it; though there was an incident several years ago it was bad enough to be able to make them take it down. She contacted Councilman Kevin Kelly and followed up with his aide, and they will have the Cleveland Law Dept. look into it. Though they don't hold out hope for it, they will directly contact the billboard owner to see if they can get them to remove it. She will keep everyone posted. Thanked Chief Zemek and the Fire Dept. for hosting the open house for the new ambulance. It was delayed twice due to emergency calls. Thanked B Shift for their hospitality, and Fr. Czirr, Fr. Buhall, Fr. Khalil, and Pastor Folger for their participation. She passed along sample legislation for a moratorium on loans issued on vehicle titles, to have ready for the next meeting. We have nothing to prohibit them at this time, but this is a moratorium, similar to the internet cafes, giving us more time to look at our zoning ordinances in order to

tweak it. Congratulated the new officers. Commented she is in favor of establishing the liaison for the schools; it was eliminated because it eventually just turned into sharing the information of when the Board was meeting, so it was ineffective. She believes there's room for improvement with communication between the city and the schools, so is in favor of reinstating it.

Councilwoman Katie Gallagher asked Dir. Claussen if he has looked into a moratorium for this, as she has seen pending lawsuits now with cities trying to do it. Dir. Claussen said certain cities have done it, such as Parma Hts. He will look into it and see if others have. She said she would like to find out before we do anything.

#### **MAYOR'S REPORT:**

**Mayor Albier:** Received a notice from Dominion East Ohio stating that in 2008 PUCO granted a rate increase, and also a tariff to recover costs, set at \$4.06/month. Now they're going to PUCO in February to ask for an increase to \$5.52/month. Along with that they've agreed to take over the meter service lines (from the curb to your house). Thanked the third graders from Brookridge and St. Thomas More for coming Friday to decorate the Christmas tree and sing songs. The Holiday Gathering was a huge success. He thanked everyone involved, especially his secretary Jill, the volunteers, Brooklyn Show Choir, Brookridge Elementary third graders, and the Brooklyn concert band. Dir. Enovitch, Dir. Migliorino and he delivered a check for \$100,000 to Arrow International, as part of the payment of the grant the city gave them, for their \$2 million expansion on their building. They met the criteria within five months, so they got part of the grant. Mr. Gallagher said if any other of the Councilmembers would like to come and get a tour he would do that. Ridge Road is having sewer work done, trying to do it during the winter from the school up to Biddulph, so it won't have to be done in the spring with the second part of the paving. Thanked Dir. Verba and the Service Dept. He's getting a lot of compliments about the Christmas lighting in front of City Hall. The House Decorating committee has chosen their three winners; they are being notified, and will be honored at the next Council meeting, December 23<sup>rd</sup>.

#### **DIRECTORS' REPORTS:**

Rec. Mgr. McGinty: Reminded everyone of the holiday hours for the Recreation Center for the upcoming year: Christmas and New Year's Eves open until 3 p.m.; closed Christmas and New Year's Days. Thanked Mr. Prochko, will let everyone know about the whirlpool, which is down with a part on backorder, and hopefully back up and running at the end of the week. They purchase new cedar wood for the sauna, and hopefully the beginning of the new year it will all be replaced. It will be down for a couple weeks in getting that done.

Finance Dir. Enovitch: Gave an update through November on the financial positions. General Fund expenditures year to date, \$14,564,440; General Fund balance is \$8,758,444; total fund balance of all funds, \$20,396,432; total revenues year to date, \$25,644,999; income tax revenues year to date, \$15,579,818 (7.41% greater than the same period last year). Ord. 2013-72 is on the Agenda, which is the initial budget/appropriation ordinance, titled as the Temporary Appropriation, though it carries out from January 1-December 31<sup>st</sup>. It's the cornerstone on what the 2014 budget will be built, and be amended continually through the year. By March 31, 2014 there will be a final budget, involving the participation of the Council and the public in budget meetings. At the December 23<sup>rd</sup> meeting there will be a final appropriations ordinance. It will include, as an example, the printer the Council authorized the Fire Dept. to build, some transfers and advances to complete. Thanked the staff and Mayor for their cooperation. He would entertain any questions or comments from the public or Council.

Fire Chief Zemek: Thanked the Mayor for coming Friday afternoon.

#### **COUNCIL CONFIRMATION:**

Request from Mayor Albier for Council Confirmation on the reappointment of Joe Polidori to the City of Brooklyn Planning Commission; the current term expires 12/31/13 and the new term would be until

12/31/19. **MOTION** by C.Gallagher, second by K.Gallagher to confirm the appointment. **VOTE RESULTED: To Confirm:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(CONFIRMED)**

**LEGISLATION:**

**ORDINANCE 2013-69:** Authorizing the Mayor to enter into an agreement with the Juvenile Diversion Coordinator. This contract is for 2014, and calls for the coordinator to receive a minimum of \$500 per month, maximum of \$18,000 per year. Part is reimbursed through the county, and also a fee that parents pay for their child to participate in the program. **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **Adopt:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADOPTED)**

**ORDINANCE 2013-72:** Temporary Appropriations Ordinance. This is temporary to get us started, and the General Fund will have an appropriation of approximately \$16.6 million. **MOTION** by K.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **Adopt:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADOPTED)**

**ORDINANCE 2013-73:** Accepting the amendment to the easement with KeyBank National Association (formerly Society National Bank). This a revision, a watermain easement on the same portion of land where we previously amended an easement agreement. **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **Suspend the Rules:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **Adopt:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **Adopt:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADOPTED)**

The Council will go into Executive Session for the purpose of discussing labor negotiations, Ordinances 2013-70 and 2013-71. Then another Executive Session to discuss potential litigation with the Mayor, Law Director and Finance Director.

**MOTION** by Tanski, second by K.Gallagher to adjourn to Executive Session for the purpose of labor negotiations. **VOTE RESULTED: Adjourn to Executive Session:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADJOURNED TO EXECUTIVE SESSION)**

**MOTION** by C.Gallagher, second by K.Gallagher to reconvene. **VOTE RESULTED: Reconvene:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(RECONVENED)**

**ORDINANCE 2013-70:** Authorizing the Mayor of the City of Brooklyn, Ohio to enter into a contract with the AFSCME Ohio Council-8, AFL-CIO Local 3218, Clerical Employees. Highlights: 2013, 3.25% raise (retroactive); 2014, 1.5%; 2015 a re-opener; 12/1/13 employees contribute 10% of healthcare premium. **MOTION** by K.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **Adopt:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADOPTED)**

**ORDINANCE 2013-71:** Authorizing the Mayor of the City of Brooklyn, Ohio to enter into a contract with the City of Brooklyn Municipal Foremen and Laborers Union Local 1099. Highlights are the same as for the AFSCME contract. **MOTION** by K.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED: Suspend the Rules:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **Adopt:** Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADOPTED)**

Councilwoman K.Gallagher said she forgot to read something from Councilman Van Kirk. He invited residents and their families on Saturday, December 21<sup>st</sup> at 6 p.m. in the Senior Center to the Christmas musical One King. Refreshments served after. Additional information, 216-965-5737. Merry Christmas.

The Council will go into Executive Session to discuss potential litigation with the Mayor, Law Director and Finance Director, with no action to take place after other than to adjourn.

**MOTION** by Tanski, second by K.Gallagher to adjourn to Executive Session for the purpose of potential litigation. **VOTE RESULTED:** *Adjourn to Executive Session:* Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADJOURNED TO EXECUTIVE SESSION)**

**MOTION** by C.Gallagher, second by Murphy to reconvene. **VOTE RESULTED:** *Reconvene:* Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(RECONVENED)**

There being no further business, **MOTION** by C.Gallagher, second by Tanski to adjourn. **VOTE RESULTED:** *Adjourn:* Yes: Murphy, Pucci, DeMarco, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADJOURNED)**

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Asst. Clerk of Council

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President of Council